



~~December 17, 2002 CPC~~  
~~March 18, 2003 CPC~~  
June 17, 2003 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

02SN0296

Ted A. Williams  
and  
Thomas A. Williams and Grace M. Williams Trust

Bermuda Magisterial District  
South line of East Hundred Road

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3) plus proffered conditions on existing property currently zoned Community Business (C-3).

PROPOSED LAND USE:

Commercial uses, as restricted by Proffered Condition 1, are planned.

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses do not conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed use, to include professional and administrative offices, along with residential developments of varying densities.
- B. The proposed zoning and land uses are not compatible with existing and anticipated development along this portion of the East Hundred Road corridor.

(NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.

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- B. IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR JUNE 17, 2003, MEETING, A \$140.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
  - a. Any permitted use in the Neighborhood Business (C-2) District.
  - b. Hotels.
  - c. Restaurants, to include fast food. (P)
2. Prior to any final site plan approval, the following rights-of-way shall be dedicated, free and unrestricted, to the Chesterfield County.
  - a. One hundred (100) feet of right-of-way on the south side of Route 10 measured from the centerline of that part of Route 10 immediately adjacent to the property frontage.
  - b. A fifty (50) foot wide right-of-way for an east/west special access street ("the Special Access Street") from the eastern property line to the western property line. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit, located toward the western property line, the exact location of this access shall be approved by the Transportation Department. Prior to any final site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to ensure shared use of this access with the adjacent property to the west. (T)
4. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
  - a. Construction of an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage.
  - b. Construction of additional pavement along Route 10 at the approved access to provide a separate right turn lane, based on Transportation Department standards.
  - c. Construction of two (2) lanes of the Special Access Street from the eastern property line to the western property line.
  - d. Dedication, to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)
6. The public water and wastewater system shall be used. (U)
7. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

### GENERAL INFORMATION

#### Location:

South line of East Hundred Road, east of Rivers Bend Boulevard. Tax IDs 815-651-6774 and 815-652-6324, 6610, 6923, 7322, 7605, 7918, 8701, 8716 and 9515 (Sheet 27).

#### Existing Zoning:

A and C-3

#### Size:

8.4 acres

#### Existing Land Use:

Single family residential or vacant

#### Adjacent Zoning and Land Use:

North - R-15 with Conditional Use Planned Development and C-3; Commercial or vacant  
South - R-12; Single family residential  
East - C-5 and A; Commercial or vacant  
West - C-3 and A; Vacant

### UTILITIES

#### Public Water System:

There is an existing sixteen (16) inch water line extending along the south line of East Hundred Road, adjacent to the site. Use of the public water system is intended and has been proffered. (Proffered Condition 6)

### Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along Johnson Creek and across the southern portion of the request site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 6)

## ENVIRONMENTAL

### Drainage and Erosion:

The subject property drains to the south to Johnson Creek. There are no existing or anticipated on-site erosion problems. With the property being wooded and a rather wide RPA to the rear, there should be no timbering of the parcel without an approved Land Disturbance Permit from the Department of Environmental Engineering (Proffered Condition 7). This will insure adequate erosion control measures are in place prior to any timbering.

### Water Quality:

Johnson Creek is a perennial stream and, as such, is subject to 100-foot conservation area (RPA). The RPA encompasses approximately thirty (30) percent of the rear portion of the property.

## PUBLIC FACILITIES

### Fire Service:

The Enon Fire Station, Company Number 6 and Bensley- Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service to this area. The Rivers Bend Fire/Rescue Station, Company Number 18, will provide this service by the end of 2003. This request will have minimal impact on fire and emergency medical service.

### Transportation:

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 6,100 vehicles per day. These vehicles will be distributed along East Hundred Road (Route 10).

The 2001 traffic volumes along the section of Route 10 from Interstate 95 to Interstate 295 range from 44,000 to 54,000 vehicles per day. The volume of traffic on the four (4) lane section of Route 10 between Interstate 95 and Meadowville Road/Old Bermuda Hundred Road intersection exceeds the capacity of the road, and drivers typically experience congestion especially during peak periods. This four (4) lane section of Route 10 is identified, as a priority on the Board of Supervisors list of highway needs. Construction plans have been approved for widening this section of Route 10. No funds are included in the

Virginia Department of Transportation Six-Year Improvement Program for right of way acquisition or construction of this project.

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate 100 feet of right of way, measured from the centerline of Route 10, in accordance with that Plan. (Proffered Condition 2.a)

The Thoroughfare Plan also identifies an east/west collector road (Special Access Street), parallel to Route 10, extending through the property. The applicant has also proffered to dedicate a fifty (50) foot wide right of way for the Special Access Street, in accordance with that Plan. (Proffered Condition 2.b)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 10, should be controlled. The applicant has proffered that direct access from the property to Route 10 will be limited to one (1) entrance/exit, located towards the western property line (Proffered Condition 3). Proffered Condition 3 requires that an access easement be recorded across the property to provide shared use of the Route 10 access with the adjacent property to the west.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage; 2) construct additional pavement along Route 10 at the approved access to provide a separate right turn lane, based on Transportation Department standards; and 3) construct two (2) lanes of the Special Access Street through the property. (Proffered Condition 4)

At time of site plan review, specific recommendations will be provided regarding access and internal site circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed uses, such as professional and administrative offices, along with residential development of varying densities. The Plan also suggests supporting, neighborhood-scale retail and service uses would be appropriate when part of a mixed use development and when located with access to intersecting transportation corridors. The Plan notes that neighborhood-scale retail and service uses that are not part of a mixed use development of aggregated acreage, that are not under a unified plan of development, and that are not located at intersecting transportation corridors, would be appropriate north of the proposed parallel road to Route 10 if potential increased adverse impacts from such uses on

nearby residents are mitigated by transitional uses, or by additional buffering or other design and/or operating features.

#### Area Development Trends:

Area properties are zoned and developed for commercial and residential uses as well as vacant agricultural property. The commercial zoning and uses are located along the East Hundred Road frontage. Single family residential uses are located to the south in Chesterfield Downs Subdivision. Additional office and residential development is anticipated in the area, as is suggested by the Plan. There is also the potential for limited commercial development along the East Hundred Road corridor.

#### Development Standards:

Currently, the property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects.

It should be noted, along with consideration of the Consolidated Eastern Area Plan, the Board of Supervisors adopted an Ordinance amendment to encourage and enhance the preservation of tree canopy along the Route 10 corridor, between I-95 and Hopewell, and to further encourage architectural standards that reinforce and compliment area residential development. The Ordinance amendment addresses yard requirements for office, business and industrial districts. In addition, the Ordinance amendment requires the preservation of trees and shrubs along Route 10 to provide continuity and improve buffering, and requires architectural compatibility with area residential development and with buildings within the same project. In addition to the Emerging Growth District standards, this property is affected by these requirements.

#### Buffers and Screening:

Currently, the Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to A or R districts be screened from view of such districts by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves. Solid waste storage areas must be screened from view of public rights of way by a solid wall, fence, dense evergreen plantings or architectural feature. Such area within 1,000 feet of any A or R districts shall not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Adjacent property to the south is zoned Residential (R-12) and is occupied by single family residences. With the approval of this request, the Zoning Ordinance would require a

minimum seventy-five (75) foot buffer along the southern property boundary of the request site. At the time of site plan review, the Planning Commission may modify this buffer under certain circumstances.

### CONCLUSIONS

The proposed zoning and land uses do not conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed use, to include professional and administrative offices, along with residential developments of varying densities. The Plan also suggests supporting, neighborhood-scale retail and service uses would be appropriate when part of a mixed use development and when located with access to intersecting transportation corridors. The Plan notes that neighborhood-scale retail and service uses that are not part of a mixed use development of aggregated acreage, that are not under a unified plan of development, and that are not located at intersecting transportation corridors, would be appropriate north of the proposed parallel road to Route 10 if potential increased adverse impacts from such uses on nearby residents are mitigated by transitional uses, or by additional buffering or other design and/or operating features. Mitigation could include: noise attenuation devices; decorative walls; building/parking orientation; location, design and orientation of mechanical equipment and waste receptacles; and hours of operation limitations. The application fails to provide for transitional land uses or other mitigation consistent with the Plan which would support commercial uses on the site.

The proposed zoning and land uses are not compatible with existing and anticipated development along this portion of the East Hundred Road corridor.

Given these considerations, denial of this request is recommended.

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### CASE HISTORY

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Planning Commission Meeting (12/17/02):

At the request of the applicants, the Commission deferred this case to March 18, 2003.

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Staff (12/18/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than January 13, 2003, for consideration at the Commission's March 18, 2003, public hearing. Also, the applicants were advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (1/3/03):

The applicants paid the \$140.00 deferral fee.

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Staff (2/21/03):

To date, no new information has been received.

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Planning Commission Meeting (3/18/03):

At the request of the applicants, the Commission deferred this case to June 17, 2003.

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Staff (3/19/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than April 14, 2003, for consideration at the Commission's June 17, 2003, public hearing.

Also, the applicants were advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

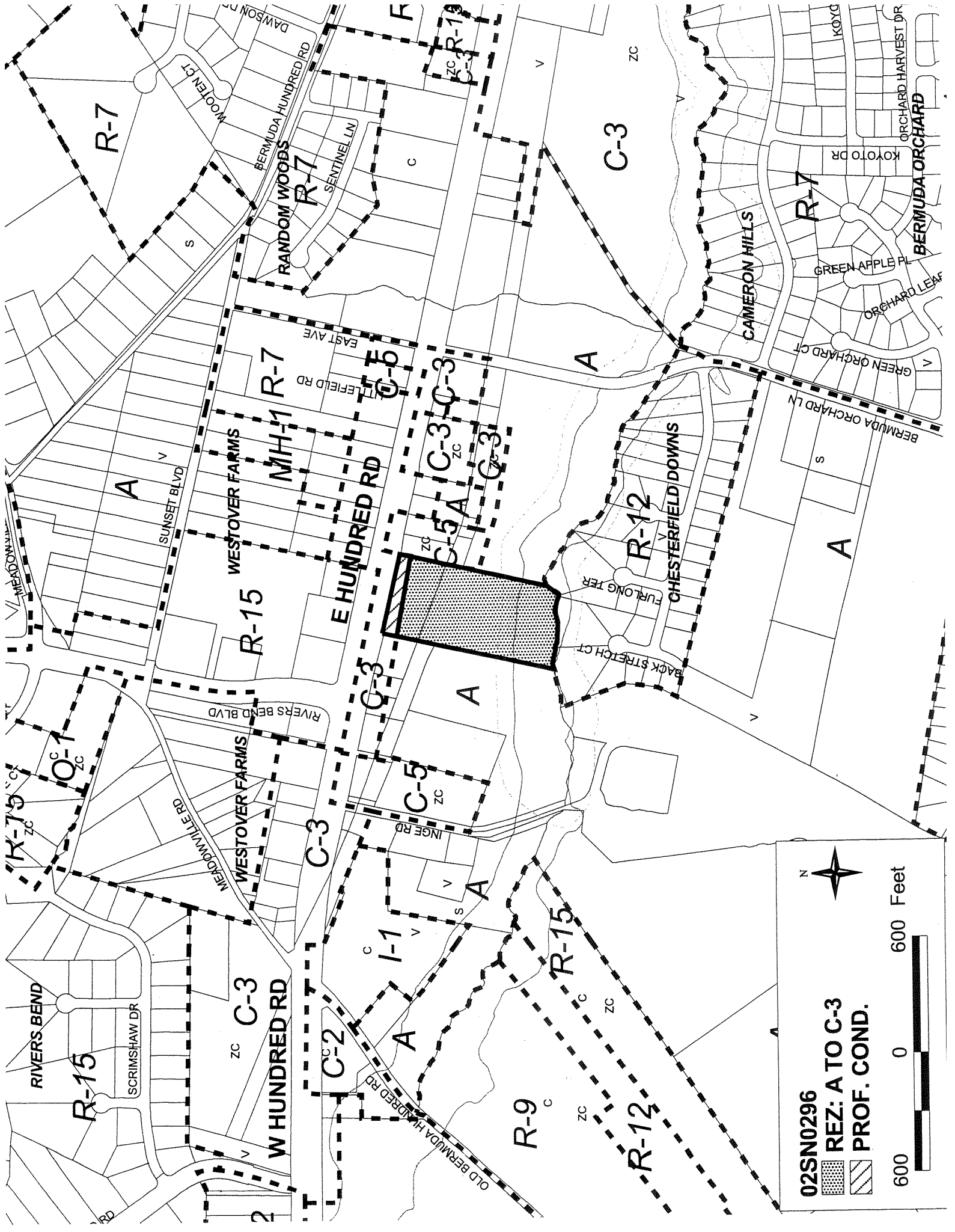
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Staff (5/23/03):

To date, no new information has been received nor has the deferral fee been paid.

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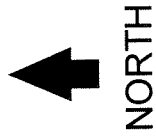




02SN0296

-  REZ: A TO C-3
-  PROF. COND.





NORTH

ROUTE 10

BERMUDA ORCHARD LN.

SPECIAL ACCESS STREET

DERBYCREEK LN.

RIVERS BEND  
BLVD.

INGE RD.

CASE 02SN0296

THOROUGHFARE PLAN